

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

MATTHEW CHRISTOPHER CAUPP,	:	Case No. 3:23-cv-309
	:	
Plaintiff,	:	
	:	
vs.	:	Judge Michael J. Newman
	:	Magistrate Judge Stephanie K. Bowman
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CAPTAIN HAWES,	:	
	:	
Respondent.	:	
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**Report and Recommendation**

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This is an action pursuant to 28 U.S.C. § 2241 for a writ of habeas corpus. Petitioner, a pretrial detainee, appearing without counsel, seeks release from confinement.<sup>1</sup> ECF No. 1. This case has been referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b) and General Order 22-05.

This Court previously conducted an initial review of the Petition, ECF No. 1, listing Petitioner’s claims as follows:

Ground One: Juris-diction over me as an American States National I’m under the common law.

Ground Two: 18 USC § 112A I am protected as an American States National.

Ground Three: Estoppel by Deed has been filed with the Court Darke County Common Pleas Court.

Ground Four: Affidavit of Truth and Affidavit of Rebbutal have been filed with the Court.

ECF No. 3 at Page ID 21–22 (citing ECF No. 1 at PageID 6–8).

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<sup>1</sup> Petitioner seeks “charges discharged immediately and request for immediate release from Darke County Jail. I have been in jail since Aug. 29, 2023.” ECF No. 1 at PageID 8 (spelling and capitalization corrected).

Ultimately, this Court found that Petitioner was not entitled to relief as his claims as drafted were incoherent without factual support, failing to state any claim on which relief may be granted. ECF No. 3 at PageID 22. In lieu of dismissal, on October 31, 2023, this Court granted Petitioner leave to amend, allowing Petitioner 30 days in which to amend his Petition using Form AO 242, which was provided to him. *Id.* at PageID 22–23. To date, however, Petitioner has failed to file an amended petition or otherwise participate in the case in violation of this Court’s Order, and the time to do so has passed.

IT IS THEREFORE RECOMMENDED that: The Petition be denied, as this Court having previously determined upon initial review that none of the claims asserted by Petitioner are cognizable in federal court, and as Petitioner failed to file an amended petition or otherwise comply with this Court’s October 31 Order.

#### **Procedure on Objections**

If any party objects to this *Report and Recommendation*, that party may, within fourteen days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A judge of this Court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the magistrate judge with instructions. 28 U.S.C. 636(B)(1).

The parties are specifically advised that failure to object to the *Report and Recommendation* will result in a waiver of the right to have the district judge review the *Report and Recommendation de novo* and operates as a waiver of the right to appeal the decision of the

District Court adopting the *Report and Recommendation*. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The parties are further advised that, if they intend to file an appeal of any adverse decision, they may submit arguments in any objections filed, regarding whether a certificate of appealability should issue.

**IT IS SO RECOMMENDED.**

December 13, 2023

*s/Stephanie K. Bowman*

Stephanie K. Bowman

UNITED STATES MAGISTRATE JUDGE